

Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Religious Nonmedical Health Care Institutions and Advance Directives [HCFA-1909-IFC] (RIN: 0938-A193) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 3916. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services; with an amendment (Rept. 106-631). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 4444. A bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China; with an amendment (Rept. 106-632). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ABERCROMBIE (for himself and Mrs. MCCARTHY of New York):

H.R. 4512. A bill to amend the Internal Revenue Code of 1986 to provide an extension of time for payment of estate tax for estates with closely held businesses, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 4513. A bill to require the Secretary of the Treasury to mint coins in commemoration of the African-American Civil War veterans who served with Union forces; to the Committee on Banking and Financial Services.

By Mr. POMEROY:

H.R. 4514. A bill to strengthen the standards by which the Surface Transportation Board reviews railroad mergers, and to apply the Federal antitrust laws to rail carriers and railroad transportation; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARMEY (for himself, Mr. GEPHARDT, Mr. GILMAN, and Mr. GEJDENSON):

H. Con. Res. 331. Concurrent resolution commending Israel's redeployment from southern Lebanon; to the Committee on International Relations.

By Mr. CAMPBELL:

H. Con. Res. 332. Concurrent resolution expressing the sense of the Congress with regard to providing humanitarian aid to cyclone victims in the Indian State of Orissa; to the Committee on International Relations.

By Mr. MOORE (for himself, Mr. DOGGETT, and Mr. STENHOLM):

H. Res. 508. A resolution providing for consideration of the bill (H.R. 3688) to amend the

Internal Revenue Code of 1986 to require certain political organizations under such Code to report information to the Federal Election Commission, and for other purposes; to the Committee on Rules.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. TAUZIN.  
H.R. 329: Mr. GANSKE.  
H.R. 353: Mr. HINCHEY, Mr. GEJDENSON, Mr. CROWLEY, Mr. DEUTSCH, Mr. HOLT, Mr. MORAN of Kansas, Ms. MCKINNEY, Mr. DICKS, Ms. ROS-LEHTINEN, Mrs. BONO, Mr. FRANKS of New Jersey, Mr. MEEKS of New York, Mr. BACA, and Mr. HAYES.

H.R. 372: Mr. KLINK and Ms. BERKLEY.  
H.R. 531: Mr. FLETCHER.  
H.R. 534: Mr. WELLER and Mr. BACA.  
H.R. 632: Mr. BALLENGER.  
H.R. 997: Mr. REYNOLDS.  
H.R. 1217: Mr. VENTO.  
H.R. 1456: Ms. SCHAKOWSKY, Mr. GILCHREST, Mr. CARDIN, and Mr. DELAHUNT.

H.R. 1690: Mr. ROHRBACHER and Mr. BOUCHER.  
H.R. 1707: Mr. UPTON.  
H.R. 1732: Mr. LOBIONDO.  
H.R. 2059: Ms. KILPATRICK and Mr. FRANK of Massachusetts.

H.R. 2120: Mr. GUTIERREZ and Mr. EVANS.  
H.R. 2713: Mr. FATTAH.  
H.R. 3059: Mr. OBERSTAR.  
H.R. 3091: Mr. BOUCHER and Mr. TIERNEY.  
H.R. 3113: Mr. BURR of North Carolina.

H.R. 3433: Mr. BONILLA, Mr. MALONEY of Connecticut, Mr. NEY, Mr. DAVIS of Illinois, Mr. PASCRELL, Mr. DEUTSCH, and Ms. SCHAKOWSKY.

H.R. 3514: Mr. HALL of Texas, Mr. EVANS, Mr. WYNN, Mr. PRICE of North Carolina, and Mr. GOODLING.

H.R. 3518: Mr. WALDEN of Oregon and Mr. OXLEY.

H.R. 3544: Mr. HASTINGS of Washington, Mr. DEFAZIO, Mr. GANSKE, and Mr. MARTINEZ.

H.R. 3580: Mr. WISE, Mr. GALLEGLY, Mr. LIPINSKI, Mr. HALL of Texas, Mr. BOYD, Mrs. MYRICK, Mr. WATTS of Oklahoma, Mrs. MEEK of Florida, Mr. THOMPSON of California, Mr. ORTIZ, Mr. DIAZ-BALART, Mr. RADANOVICH, Mr. BLUMENAUER, Mr. RYAN of Wisconsin, Ms. ROS-LEHTINEN, Ms. BALDWIN, Mr. LAZIO, Mr. BERMAN, Mr. ISTOOK, Mr. DEFAZIO, Mr. TRAFICANT, Mr. DICKS, Mrs. ROUKEMA, and Ms. KAPTUR.

H.R. 3594: Mr. BARRETT of Wisconsin.  
H.R. 3610: Mr. NEY, Mrs. CLAYTON, and Mr. PAYNE.

H.R. 3625: Mrs. WILSON and Mr. CLEMENT.  
H.R. 3916: Mr. BARTLETT of Maryland, Mr. MORAN of Kansas, Mr. TOOMEY, Mr. GOSS, and Mr. HINOJOSA.

H.R. 4042: Mr. OBERSTAR.  
H.R. 4064: Mr. GEKAS.  
H.R. 4071: Mr. NETHERCUTT.  
H.R. 4132: Mr. HINCHEY and Mr. JOHN.  
H.R. 4140: Mrs. CLAYTON, Ms. WOOLSEY, Ms. BROWN of Florida, and Mr. JEFFERSON.

H.R. 4162: Mr. CUMMINGS and Mr. RAHALL.  
H.R. 4168: Mr. TAYLOR of Mississippi and Mr. KILDEE.

H.R. 4211: Mr. SANDERS, Ms. RIVERS, Mr. CUMMINGS, Ms. CARSON, Ms. SCHAKOWSKY, and Mr. LANTOS.

H.R. 4242: Mr. OXLEY.  
H.R. 4274: Mr. ARMEY, Mr. SHIMKUS, Mrs. EMERSON, Mr. BAKER, and Mr. WATTS of Oklahoma.

H.R. 4277: Mrs. EMERSON, Mr. PAUL, and Mr. FROST.

H.R. 4314: Mr. WALSH.  
H.R. 4328: Mr. DICKEY and Mr. CAMPBELL.  
H.R. 4334: Ms. LOFGREN.  
H.R. 4383: Mr. WATKINS.  
H.R. 4447: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.  
H.R. 4448: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.  
H.R. 4449: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.  
H.R. 4450: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.  
H.R. 4451: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.  
H.R. 4488: Ms. SCHAKOWSKY.  
H.R. 4489: Mr. SENSENBRENNER, Mr. BONIOR, Mr. MCCOLLUM, Mr. DELAHUNT, Mr. DINGELL, Mr. ORTIZ, Mr. BALDACCIO, Mr. HINOJOSA, Mr. EHRLICH, Mr. KOLBE, Mr. GREENWOOD, Mr. GIBBONS, Mr. SWENEY, Mr. CAMP, and Ms. STABENOW.

H.J. Res. 55: Mr. COX.  
H.J. Res. 98: Mr. BENTSEN, Mr. NADLER, Mr. HANSEN, and Mr. GONZALEZ.

H. Con. Res. 302: Mr. TURNER, Mr. ROMERO-BARCELO, and Mr. KOLBE.  
H. Con. Res. 308: Mr. FILNER.

H. Res. 398: Mr. BILBRAY, Mr. CONDIT, Ms. SANCHEZ, and Mr. BENTSEN.

H. Res. 452: Mr. WAXMAN, Mr. DAVIS of Illinois, and Mr. MCHUGH.

#### DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

[Omitted from the Record of May 19, 2000]

Petition 9 by Mr. MINGE on House Resolution 478: Brian Baird, Earl Blumenauer, and Bart Gordon.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

LEGISLATIVE BRANCH APPROPRIATIONS, FY 2001

OFFERED BY: Mr. NEY

AMENDMENT No. 1: Page 8, line 24, insert after the first dollar figure the following: "(increased by \$7,000,000)".

Page 8, line 24, insert after the second dollar figure the following: "(increased by \$3,290,000)".

Page 9, line 2, insert after the dollar figure the following: "(increased by \$3,710,000)".

Page 22, line 11, insert after the first dollar figure the following: "(reduced by \$5,000,000)".

Page 23, line 14, insert after the first dollar figure the following: "(reduced by \$500,000)".

Page 24, line 16, insert after the dollar figure the following: "(reduced by \$500,000)".

Page 28, line 15, insert after the dollar figure the following: "(reduced by \$1,000,000)".

LEGISLATIVE BRANCH APPROPRIATIONS, FY 2001

OFFERED BY: Mr. NEY

AMENDMENT No. 2: Page 22, line 11, insert after the first dollar figure the following: "(reduced by \$3,000,000)".

Page 23, line 14, insert after the first dollar figure the following: "(reduced by \$500,000)".

Page 24, line 1, insert after the dollar figure the following: "(increased by \$5,000,000)".

Page 24, line 16, insert after the dollar figure the following: "(reduced by \$1,000,000)".

Page 28, line 15, insert after the dollar figure the following: "(reduced by \$1,000,000)".

H.R. 4461

OFFERED BY: MR. ANDREWS

AMENDMENT No. 4: At the end of title VII of the bill, add the following new section:

SEC. 753. Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

"(13) GUARANTEES FOR REFINANCING LOANS.—Upon the request of the borrower, the Secretary shall guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the following requirements:

"(A) INTEREST RATE.—The refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

"(B) SECURITY.—The refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

"(C) AMOUNT.—The principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 2 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

"(D) PAYMENT STATUS.—The borrower shall not be more than 2 months delinquent in payments on the loan being refinanced.

"(E) TERM.—The term of the refinancing loan may not exceed the original term of the loan being refinanced by more than 10 years."

The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), and (9) shall apply to loans guaranteed under this subsection, and no other provisions of paragraphs (1) through (12) shall apply to such loans."

H.R. 4461

OFFERED BY: MR. ANDREWS

AMENDMENT No. 5: At the end of title VII of the bill, add the following new section:

SEC. 753. Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

"(13) GUARANTEES FOR REFINANCING LOANS.—Upon the request of the borrower, the Secretary shall guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the following requirements:

"(A) INTEREST RATE.—The refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

"(B) SECURITY.—The refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

"(C) AMOUNT.—The principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 2 basis points and an origination fee not ex-

ceeding such amount as the Secretary shall prescribe.

"(D) PAYMENT STATUS.—The borrower shall not be more than 2 months delinquent in payments on the loan being refinanced.

H.R. 4461

OFFERED BY: MR. COBURN

AMENDMENT No. 6: Insert before the short title the following title:

#### TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used by the Food and Drug Administration for the testing, development, or approval (including approval of production, manufacturing, or distribution) of any drug solely intended for the chemical inducement of abortion.

H.R. 4461

OFFERED BY: MR. DEFALIZIO

AMENDMENT No. 7: Insert before the short title the following:

#### TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. Notwithstanding any other provision of this Act, not more than \$28,684,000 of the funds made available in this Act may be used for Wildlife Services Program operations under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE", and none of the funds appropriated or otherwise made available by this Act for Wildlife Services Program operations to carry out the first section of the Act of March 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild animals for the purpose of protecting livestock.

H.R. 4461

OFFERED BY: MRS. KELLY

AMENDMENT No. 8: Page 32, line 20, strike "or" through "the American heritage rivers initiative" on line 21.

H.R. 4461

OFFERED BY: MR. KUCINICH

AMENDMENT No. 9: Page 96, after line 7, insert the following new title:

#### TITLE IX—GENETICALLY ENGINEERED FOOD RIGHT TO KNOW ACT

##### SEC. 901. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Genetically Engineered Food Right to Know Act".

##### SEC. 902. FINDINGS.

The Congress finds as follows:

(1) The process of genetically engineering foods results in the material change of such foods.

(2) The Congress has previously required that all foods bear labels that reveal material facts to consumers.

(3) Federal agencies have failed to uphold Congressional intent by allowing genetically engineered foods to be marketed, sold and otherwise used without labeling that reveals material facts to the public.

(4) Consumers wish to know whether the food they purchase and consume contains or is produced with a genetically engineered material for a variety of reasons, including the potential transfer of allergens into food and other health risks, concerns about potential environmental risks associated with the genetic engineering of crops, and religiously and ethically based dietary restrictions.

(5) Consumers have a right to know whether the food they purchase contains or was produced with genetically engineered material.

(6) Reasonably available technology permits the detection in food of genetically en-

gineered material, generally acknowledged to be as low as 0.1 percent.

#### SEC. 903. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) IN GENERAL.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following paragraph:

"(t)(1) If it contains a genetically engineered material, or was produced with a genetically engineered material, unless it bears a label (or labeling, in the case of a raw agricultural commodity, other than the sale of such a commodity at retail) that provides notices in accordance with the following:

"(A) A notice as follows: 'GENETICALLY ENGINEERED'.

"(B) A notice as follows: 'UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL'.

"(C) The notice required in clause (A) immediately precedes the notice required in clause (B) and is not less than twice the size of the notice required in clause (B).

"(D) The notice required in clause (B) is of the same size as would apply if the notice provided nutrition information that is required in paragraph (q)(1).

"(E) The notices required in clauses (A) and (B) are clearly legible and conspicuous.

"(2) For purposes of subparagraph (1):

"(A) The term 'genetically engineered material' means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material.

"(B) The term 'genetically engineered organism' means—

"(i) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture, and

"(ii) an organism made through sexual or asexual reproduction (or both) involving an organism described in subclause (i), if possessing any of the altered molecular or cellular characteristics of the organism so described.

"(3) For purposes of subparagraph (1), a food shall be considered to have been produced with a genetically engineered material if—

"(A) the organism from which the food is derived has been injected or otherwise treated with a genetically engineered material (except that the use of manure as a fertilizer for raw agricultural commodities may not be construed to mean that such commodities are produced with a genetically engineered material);

"(B) the animal from which the food is derived has been fed genetically engineered material, or

"(C) the food contains an ingredient that is a food to which clause (A) or (B) applies.

"(4) This paragraph does not apply to food that—

"(A) is served in restaurants or other establishments in which food is served for immediate human consumption,

“(B) is processed and prepared primarily in a retail establishment, is ready for human consumption, which is of the type described in clause (A), and is offered for sale to consumers but not for immediate human consumption in such establishment and is not offered for sale outside such establishment, or

“(C) is a medical food as defined in section 5(b) of the Orphan Drug Act.”.

(b) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following subsection:

“(h)(1) With respect to a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t), any person engaging in such a violation shall be liable to the United States for a civil penalty in an amount not to exceed \$100,000 for each such violation.

“(2) Paragraphs (3) through (5) of subsection (g) apply with respect to a civil penalty under paragraph (1) of this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under paragraph (1) or (2) of subsection (g).”.

(c) GUARANTY.—

(1) IN GENERAL.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(d)) is amended—

(A) by striking “(d)” and inserting “(d)(1)”; and

(B) by adding at the end the following paragraph:

“(2)(A) No person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t) if such person (referred to in this paragraph as the ‘recipient’) establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the food (including the receipt of seeds to grow raw agricultural commodities), to the effect that (within the meaning of section 403(t)) the food does not contain a genetically engineered material or was not produced with a genetically engineered material.

“(B) In the case of a recipient who with respect to a food establishes a guaranty or undertaking in accordance with subparagraph (A), the exclusion under such subparagraph from being subject to penalties applies to the recipient without regard to the use of the food by the recipient, including—

“(i) processing the food,

“(ii) using the food as an ingredient in a food product,

“(iii) repacking the food, or

“(iv) growing, raising, or otherwise producing the food.”.

(2) FALSE GUARANTY.—Section 301(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(h)) is amended by inserting “or 303(d)(2)” after “303(c)(2)”.

(d) UNINTENDED CONTAMINATION.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (c)(1) of this section, is amended by adding at the end the following paragraph:

“(3)(A) No person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t) if—

“(i) such person is an agricultural producer and the violation occurs because food that is grown, raised, or otherwise produced by such producer, which food does not contain a ge-

netically engineered material and was not produced with a genetically engineered material, is contaminated with a food that contains a genetically engineered material or was produced with a genetically engineered material (including contamination by mingling the two), and

“(ii) such contamination is not intended by the agricultural producer.

“(B) Subparagraph (A) does not apply to an agricultural producer to the extent that the contamination occurs as a result of the negligence of the producer.”.

#### SEC. 904. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO FEDERAL MEAT INSPECTION ACT.

(a) REQUIREMENTS.—The Federal Meat Inspection Act is amended by inserting after section 7 (21 U.S.C. 607) the following section:

##### “SEC. 7A. REQUIREMENTS FOR LABELING REGARDING GENETICALLY ENGINEERED MATERIAL.

“(a) DEFINITIONS.—In this section:

“(1) The term ‘meat food’ means a carcass, part of a carcass, meat, or meat food product that is derived from cattle, sheep, swine, goats, horses, mules, or other equines and is capable of use as human food.

“(2) The term ‘genetically engineered material’ means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material (and without regard to whether the organism is capable of use as human food).

“(3) The term ‘genetically engineered organism’ means—

“(A) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture; and

“(B) an organism made through sexual or asexual reproduction (or both) involving an organism described in subparagraph (A), if possessing any of the altered molecular or cellular characteristics of the organism so described.

“(b) LABELING REQUIREMENT.—

“(1) REQUIRED LABELING TO AVOID MISBRANDING.—For purposes of sections 1(n) and 10, a meat food is misbranded if it—

“(A) contains a genetically engineered material or was produced with a genetically engineered material; and

“(B) does not bear a label (or include labeling, in the case of a meat food that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notices described in subsection (c).

“(2) RULE OF CONSTRUCTION.—For purposes of paragraph (1)(A), a meat food shall be considered to have been produced with a genetically engineered material if—

“(A) the organism from which the food is derived has been injected or otherwise treated with a genetically engineered material;

“(B) the animal from which the food is derived has been fed genetically engineered material; or

“(C) the food contains an ingredient that is a food to which subparagraph (A) or (B) applies.

“(c) SPECIFICS OF LABEL NOTICES.—

“(1) REQUIRED NOTICES.—The notices referred to in subsection (b)(1)(B) are the following:

“(A) A notice as follows: ‘GENETICALLY ENGINEERED’.

“(B) A notice as follows: ‘UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL’.

“(2) LOCATION AND SIZE.—(A) The notice required in paragraph (1)(A) shall immediately precede the notice required in paragraph (1)(B) and shall be not less than twice the size of the notice required in paragraph (1)(B).

“(B) The notice required in paragraph (1)(B) shall be of the same size as would apply if the notice provided nutrition information that is required in section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act.

“(d) EXCEPTIONS TO REQUIREMENTS.—Subsection (a) does not apply to any meat food that—

“(1) is served in restaurants or other establishments in which food is served for immediate human consumption; or

“(2) is processed and prepared primarily in a retail establishment, is ready for human consumption, is offered for sale to consumers but not for immediate human consumption in such establishment, and is not offered for sale outside such establishment.

“(e) GUARANTY.—

“(1) IN GENERAL.—A packer, processor, or other person shall not be considered to have violated the requirements of this section with respect to the labeling of meat food if the packer, processor, or other person (referred to in this subsection as the ‘recipient’) establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the meat food or the animal from which the meat food was derived, or received in good faith food intended to be fed to such animal, to the effect that the meat food, or such animal, or such food, respectively, does not contain genetically engineered material or was not produced with a genetically engineered material.

“(2) SCOPE OF GUARANTY.—In the case of a recipient who establishes a guaranty or undertaking in accordance with paragraph (1), the exclusion under such paragraph from being subject to penalties applies to the recipient without regard to the use of the meat food by the recipient (or the use by the recipient of the animal from which the meat food was derived, or of food intended to be fed to such animal), including—

“(A) processing the meat food;

“(B) using the meat food as an ingredient in another food product;

“(C) packing or repacking the meat food; or

“(D) raising the animal from which the meat food was derived.

“(3) FALSE GUARANTY.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

“(f) CIVIL PENALTIES.—

“(1) IN GENERAL.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c)(3) in an amount not to exceed \$100,000 for each such violation.

“(2) NOTICE AND OPPORTUNITY FOR HEARING.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity

for a hearing provided in accordance with this subparagraph and section 554 of title 5, United States Code. Before issuing such an order, the Secretary shall give written notice to the person to be assessed a civil penalty under such order of the Secretary's proposal to issue such order and provide such person an opportunity for a hearing on the order. In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

"(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

"(4) CERTAIN AUTHORITIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1). The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

"(5) JUDICIAL REVIEW.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessment was issued.

"(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

"(A) after the order making the assessment becomes final, and if such person does not file a petition for judicial review of the order in accordance with paragraph (5); or

"(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Secretary;

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review."

(b) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended—

(1) by striking "or" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting ";; or"; and

(3) by adding at the end the following paragraph:

"(13) if it fails to bear a label or labeling as required by section 7A."

#### SEC. 905. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO POULTRY PRODUCTS INSPECTION ACT.

The Poultry Products Inspection Act is amended by inserting after section 8 (21 U.S.C. 457) the following section:

#### "SEC. 8A. REQUIREMENTS FOR LABELING REGARDING GENETICALLY ENGINEERED MATERIAL.

"(a) DEFINITIONS.—In this section:

"(1) The term 'genetically engineered material' means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material (and without regard to whether the organism is capable of use as human food).

"(2) The term 'genetically engineered organism' means—

"(A) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture; and

"(B) an organism made through sexual or asexual reproduction (or both) involving an organism described in subparagraph (A), if possessing any of the altered molecular or cellular characteristics of the organism so described.

"(b) LABELING REQUIREMENT.—

"(1) REQUIRED LABELING TO AVOID MISBRANDING.—For purposes of sections 4(h) and 9(a), a poultry product is misbranded if it—

"(A) contains a genetically engineered material or was produced with a genetically engineered material; and

"(B) does not bear a label (or include labeling, in the case of a poultry product that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notices described in subsection (c).

"(2) RULE OF CONSTRUCTION.—For purposes of paragraph (1)(A), a poultry product shall be considered to have been produced with a genetically engineered material if—

"(A) the poultry from which the food is derived has been injected or otherwise treated with a genetically engineered material;

"(B) the poultry from which the food is derived has been fed genetically engineered material; or

"(C) the food contains an ingredient that is a food to which subparagraph (A) or (B) applies.

"(c) SPECIFICS OF LABEL NOTICES.—

"(1) REQUIRED NOTICES.—The notices referred to in subsection (b)(1)(B) are the following:

"(A) A notice as follows: 'GENETICALLY ENGINEERED'.

"(B) A notice as follows: 'UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL'.

"(2) LOCATION AND SIZE.—(A) The notice required in paragraph (1)(A) shall immediately precede the notice required in paragraph (1)(B) and shall be not less than twice the size of the notice required in paragraph (1)(B).

"(B) The notice required in paragraph (1)(B) shall be of the same size as would apply if the notice provided nutrition information that is required in section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act.

"(d) EXCEPTIONS TO REQUIREMENTS.—Subsection (a) does not apply to any poultry product that—

"(1) is served in restaurants or other establishments in which food is served for immediate human consumption; or

"(2) is processed and prepared primarily in a retail establishment, is ready for human consumption, is offered for sale to consumers but not for immediate human consumption in such establishment, and is not offered for sale outside such establishment.

"(e) GUARANTY.—

"(1) IN GENERAL.—An official establishment or other person shall not be considered to have violated the requirements of this section with respect to the labeling of a poultry product if the official establishment or other person (referred to in this subsection as the 'recipient') establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the poultry product or the poultry from which the poultry product was derived, or received in good faith food intended to be fed to poultry, to the effect that the poultry product, poultry, or such food, respectively, does not contain genetically engineered material or was not produced with a genetically engineered material.

"(2) SCOPE OF GUARANTY.—In the case of a recipient who establishes a guaranty or undertaking in accordance with paragraph (1), the exclusion under such paragraph from being subject to penalties applies to the recipient without regard to the use of the poultry product by the recipient (or the use by the recipient of the poultry from which the poultry product was derived, or of food intended to be fed to such poultry), including—

"(A) processing the poultry;

"(B) using the poultry product as an ingredient in another food product;

"(C) packing or repacking the poultry product; or

"(D) raising the poultry from which the poultry product was derived.

"(3) FALSE GUARANTY.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

"(f) CIVIL PENALTIES.—

"(1) IN GENERAL.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c)(3) in an amount not to exceed \$100,000 for each such violation.

"(2) NOTICE AND OPPORTUNITY FOR HEARING.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity for a hearing provided in accordance with this subparagraph and section 554 of title 5, United States Code. Before issuing such an order, the Secretary shall give written notice to the person to be assessed a civil penalty under such order of the Secretary's proposal to issue such order and provide such person an opportunity for a hearing on the order. In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

"(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

“(4) CERTAIN AUTHORITIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1). The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

“(5) JUDICIAL REVIEW.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessment was issued.

“(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

“(A) after the order making the assessment becomes final, and if such person does not file a petition for judicial review of the order in accordance with paragraph (5); or

“(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Secretary;

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.”

(b) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 4(h) of the Poultry Products Inspection Act (21 U.S.C. 453(h)) is amended—

(1) by striking “or” at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting “; or”; and

(3) by adding at the end the following paragraph:

“(13) if it fails to bear a label or labeling as required by section 8A.”

#### **SEC. 906. EFFECTIVE DATE.**

This title and the amendments made by this title take effect upon the expiration of

the 180-day period beginning on the date of the enactment of this title.

H.R. 4461

OFFERED BY: MR. NEY

AMENDMENT No. 10: Page 6, line 16, insert “(reduced by \$34,000)” after “\$34,708,000”.

Page 8, line 3, insert “(reduced by \$33,000)” after “\$8,138,000”.

Page 9, line 3, insert “(reduced by \$33,000)” after “\$29,194,000”.

Page 10, line 23, insert “(increased by \$100,000)” after “\$850,384,000”.

H.R. 4461

OFFERED BY: MR. ROYCE

AMENDMENT No. 11: Page 96, after line 7, insert the following:

#### **TITLE IX—ADDITIONAL GENERAL PROVISIONS**

#### **SEC. 901. ACROSS-THE-BOARD PERCENTAGE REDUCTION.**

Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by one percent.